

## REMARKS

In accordance with the foregoing, the specification and claims 2, 11, 15, 16, 17, 18, 19 and 22 have been amended. Claims 21 and 23 have been cancelled. Claims 1-20 and 22 are pending and under consideration.

### **OBJECTION TO THE CLAIMS:**

Claims 15-19 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent from for failing to further limit the subject matter of a previous claim.

Claims 15-19 and 22 have been amended to compliance with 37 CFR 1.75(c).

### **REJECTION UNDER 35 U.S.C. §102:**

In the Office Action, at page 2, the Examiner rejects claims 1, 10, 14 and 20 under 35 U.S.C. 102(b) as being anticipated by Ito et al. (US Patent No. 5,315,402). The rejection is respectfully traversed and reconsideration is requested.

Regarding claim 1, at page 3 of the Office Action, among the other features, the Examiner contends that Ito et al. discloses "a linear velocity detector (see linear velocity detecting means 28) that detects a linear velocity using a velocity of a spot of the light, which records the information on a surface of the optical disc (see recording means 25)" recited in claim 1. By way of review, col. 9, lines 2-6 of Ito et al. sets forth "the linear velocity detecting means 28 detects the linear velocity of the magneto-magneto-optical disk 27' based on the radius of the part of the magneto-optical disk 27' being recorded." Therefore, Ito et al. fails to disclose how to detect velocity of optical disc by using a velocity of a spot of the light features recited in claim 1. Accordingly, claim 1 patentably distinguishes over the cited art and is submitted to be allowable.

Claims 10 and 14 are rejected as similar reasons of claim 1. Therefore, for at least the similar reasons that claim 1 is distinguishable over the referenced prior art, it is respectfully submitted that each of claims 10 and 14 are also distinguishable over the referenced prior art and should be in condition for allowance.

Regarding claim 20, at page 4 of the Office Action, among other features, the Examiner asserts Ito et al. discloses "...a control circuit (see laser driving pulse generating means 24b) which generates the driving signal selectively based upon a linear velocity of the light on the optical disc and not based upon the linear velocity, according to a recording material of the optical disc." recited in claim 20. However, Ito et al. fails to disclose the laser driving pulse

generating means 24b which generates the driving signal selectively based upon a linear velocity of the light on the optical disc and not based upon the linear velocity, according to a recording material of the optical disc. Accordingly, claim 20 patentably distinguishes over the cited art and is submitted to be allowable.

In the Office Action, at page 4, the Examiner rejects claims 21 and 23 under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (US Patent No. 5,182,741).

It is noted that the Examiner indicates, on page 4 of the outstanding Office Action, Maeda et al. (US Patent No. 5,182,742) as a cited prior art. But, it is understandable that Maeda et al (US Patent No. 5,182, 742) is correct.

Claims 21 and 23 are cancelled without prejudice or disclaimer.

**ALLOWABLE SUBJECT MATTER:**

At page 5 of the Office Action, the Examiner indicates that claims 2-9 and 11-13 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-9 and 11-13, which depend from claims 1 and 10, are also submitted to be allowable for at least the same reasons as claims 1 and 10. Thus, reconsideration of claims 2-9 and 11-13 is respectfully requested.

At page 5 of the Office Action, claim 15-19 and 22 would be allowable if rewritten or amended to overcome the objection(s) under 37 CFR 1.75 (c) , set forth in the Office Action.

Claims 15-19 depending from claim 14 is also submitted to be allowable for at least the same reasons as claim 14. Claim 22 has been rewritten in independent form to include all the features of original claim 21. Thus, reconsideration of claims 15-19 and 22 are respectfully requested to be allowable.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


Serial No. 09/809,107

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 8/2/04

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